

REFERENCE TITLE: revenue sharing; tribal community colleges

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1455

Introduced by
Senator Hale; Representative Deschene

AN ACT

AMENDING SECTION 42-5031.01, ARIZONA REVISED STATUTES; MAKING AN APPROPRIATION; RELATING TO STATE SHARED TRANSACTION PRIVILEGE TAX REVENUES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 42-5031.01, Arizona Revised Statutes, is amended to
3 read:

4 42-5031.01. Distribution of revenues for Indian tribal
5 postsecondary educational institutions:
6 definition

7 A. ~~Subject to subsection C of this section,~~ Each month the state
8 treasurer shall transmit to the treasurer or other designated depository of
9 each qualifying Indian tribe the amount of transaction privilege tax revenues
10 received pursuant to this article in the preceding month from all sources
11 located on the Indian reservation established for the qualifying Indian tribe
12 as determined pursuant to **SUBSECTION C OF THIS SECTION AND** section 42-5029,
13 subsection A, paragraph 3.

14 B. The monies distributed pursuant to this section are for the
15 exclusive purpose of supporting the maintenance, renewal and capital expenses
16 of one or more community colleges in this state that are owned, operated or
17 chartered by each qualifying Indian tribe on its own Indian reservation.
18 Before receiving any monies under this section, a qualifying Indian tribe
19 shall enter into a compact with this state, signed by the governor, to
20 account for the use of monies distributed pursuant to this section. The
21 compact shall:

22 1. Be for a term of at least ten years. After a hearing and review of
23 the compact by the joint legislative budget committee held during the last
24 year of the compact's term, a compact may be renewed for an additional term
25 of up to ten years.

26 2. Require the monies to be used primarily for capital needs including
27 maintenance and renewal of existing facilities at designated community
28 college campuses on the qualifying Indian tribe's own reservation in this
29 state.

30 3. Provide for audits by the auditor general of the use of the
31 monies. The auditor general shall submit copies of each audit to the joint
32 legislative budget committee.

33 4. If necessary, provide for reimbursement to the department of
34 revenue of costs associated with implementing this section, not to exceed one
35 hundred fifty thousand dollars, from revenues that would otherwise be paid to
36 the qualifying Indian tribe pursuant to this section.

37 C. Notwithstanding subsection A of this section, the state treasurer
38 shall ~~not~~ transmit in ~~any fiscal year~~ AMOUNTS SUBJECT TO LIMITATIONS
39 DETERMINED AS FOLLOWS:

40 1. IF THE ANNUAL AMOUNT OF TRANSACTION PRIVILEGE TAX REVENUES RECEIVED
41 PURSUANT TO THIS ARTICLE FROM ALL SOURCES ON THE RESERVATION IN ANY FISCAL
42 YEAR DURING THE CURRENT OR ANY PRECEDING TERM OF THE COMPACT WITH THE
43 QUALIFYING INDIAN TRIBE EXCEEDED TEN MILLION DOLLARS, THE STATE TREASURER
44 SHALL NOT TRANSMIT more than one million seven hundred fifty thousand dollars
45 IN THAT FISCAL YEAR. ~~or~~

1 2. IF THE ANNUAL AMOUNT OF TRANSACTION PRIVILEGE TAX REVENUES RECEIVED
2 PURSUANT TO THIS ARTICLE FROM ALL SOURCES ON THE RESERVATION DID NOT EXCEED
3 TEN MILLION DOLLARS IN ANY FISCAL YEAR DURING THE CURRENT OR ANY PRECEDING
4 TERM OF THE COMPACT WITH THE QUALIFYING INDIAN TRIBE, THE STATE TREASURER
5 SHALL NOT TRANSMIT more than one-tenth of transaction privilege tax revenues
6 received pursuant to this article from all sources located on the
7 reservation,~~whichever is less~~ IN THAT FISCAL YEAR.

8 D. For the purposes of this section, "qualifying Indian tribe" means
9 an Indian tribe that owns, operates and charters any community college or
10 postsecondary educational institution located on its own reservation in this
11 state.

12 Sec. 2. Appropriation: Indian tribal postsecondary educational
13 institutions

14 The sum of \$_____ is appropriated from the state general fund
15 in fiscal year 2009-2010 to the department of revenue for payment to the
16 Navajo Nation for distribution as provided by section 42-5031.01, Arizona
17 Revised Statutes, as amended by this act. This appropriation is intended to
18 reimburse tribal postsecondary educational institutions for reduced statutory
19 distributions due to the operation of Laws 2007, chapter 265, section 10.

20 Sec. 3. Retroactivity

21 Section 42-5031.01, Arizona Revised Statutes, as amended by this act,
22 is effective retroactively to September 19, 2007.